



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/579,528 05/26/00 BARAK

I P-2966-US

EXAMINER

MM91/1019

ELTAN PEARL LATZER & COHEN-ZEDEK  
ONE CRYSTAL PARK  
SUITE 210 2100 CRYSTAL DRIVE  
ARLINGTON VA 22202-3709

NGUYEN, K

ART UNIT

PAPER NUMBER

2817

DATE MAILED:

10/19/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/579,528

Applicant(s)

Barak et al.

Examiner

Khanh V. Nguyen

Art Unit

2817

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7, 10, 15, 17, 19-25, 28, 31 and 33 is/are rejected.
- 7) ☒ Claim(s) 4-6, 8, 9, 11-14, 16, 18, 26, 27, 29, 30, 32, 34 and 35 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1, 22 are rejected under 35 U.S.C. 102(b) as being anticipated by DaSilva et al. or Pinckley et al.

Regarding claims 1, 22, DaSilva et al. (Fig. 4) disclose quadrature network which read as an outphasing system comprising: an outside controller; phase shift networks (48 and 49) which are responsive to a respective analog control signals (50 and 51) and wherein signals (50 and 51) are different.

Regarding claims 1, 22, Pinckley et al., note (Fig. 5), a controller (11); phase shifter networks (46, 56 and 66).

Claims 1, 2, 7, 15, 17, 19-23, 31, 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Dent or Dent et al.

Regarding claims 1, 15, 17, 19, 22, 31, 33, Dent (Figs. 5, 7 and 8) discloses an amplifier circuit comprising: a digital signal processing (806) read as a logic controller; fractional synthesizers (802 and 804) read as phase shifters and wherein the signals from the processor (806) to synthesizers (802 and 804) are different by  $(+\alpha$  and  $-\alpha)$ ; and a shunt resonant circuit (550) shown in Figures 5 and 7.

Regarding claims 2, 23, Dent (Figs. 5 and 7) discloses a shunt resonant circuit (550).

Regarding claim 7, it is inherent to the reference circuit.

Regarding claims 20, 21, the function recited is inherent to the operation of reference circuit.

Regarding claims 1, 22, Dent et al., note (Fig. 1), a controller (10); phase shifter networks (11).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 10, 24, 25, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over DaSilva et al. or Pinckley et al. or Dent or Dent et al.

Regarding claims 3, 10, 24, DaSilva et al. or Pinckley et al. or Dent disclose(s) the claimed invention except the operation of the power amplifier depended on the threshold. However, it appears that when a circuit is performed with regard to the threshold is considered matter of design choice in the absence of unexpected results.

Regarding claim 25, Dent (Figs. 5 and 7) discloses a shunt resonant circuit (550).

Regarding claim 28, all phase shifters coupled to a controller.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following U.S. Patents contain teaching of an amplifier having gain control bias:

Santos et al.                      U.S. Patent 5,119,399

Arntz et al.                        U.S. Patent 5,302,914

Sevic et al.                        U.S. Patent 5,872,481

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh V. Nguyen whose telephone number is (703) 306-9058. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pascal can be reached on (703) 308-4909. The fax phone numbers

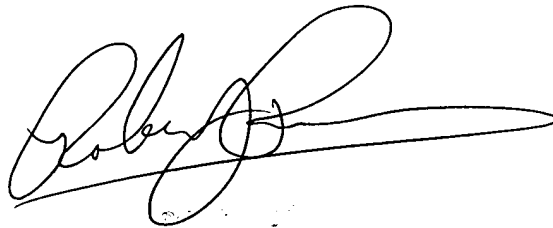
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for the organization where this application or proceeding is assigned are (703) 305-0142 for regular communications and (703) 305-0142 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-3432.

KDR

10/18/01

A handwritten signature in dark ink, appearing to be "Robert D. [unclear]", with a long horizontal flourish extending to the right.

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